

**CITY OF CEDARBURG  
COMMON COUNCIL  
March 29, 2021**

**CC20210329-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held online on Monday, March 29, 2021, utilizing the Zoom app.

Mayor O’Keefe called the meeting to order at 7:00 p.m.

Roll Call:           Present -   Mayor Michael O’Keefe, Council Members Jack Arnett, Patricia Thome, Barbara Lythjohan, Sherry Bublitz, Rick Verhaalen

Excused - Robert Simpson, Kristin Burkart

Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, Engineering & Public Works Director Mike Wieser, City Planner Jon Censky, Library Director Linda Pierschalla, news media and interested citizens.

**STATEMENT OF PUBLIC NOTICE**

At Mayor O’Keefe’s request, City Clerk Sette verified that notice of this meeting was provided to the public by forwarding the agenda to the City’s official newspaper, the *News Graphic*, to all news media and citizens who requested copies, and by posting in accordance with the Wisconsin Open Meetings Law. Citizens present were welcomed and encouraged to provide their input during the citizen comment portion of the meeting.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

Laurel Kashim - N24 W6338 Fairfield St.

Ms. Kashim conducted an informal survey on the NextDoor App to gain feedback regarding Strawberry Festival. Approximately one third of respondents had no concerns about Festivals while two thirds of respondents did have concerns.

Denise Zank – W54 N114 McKinley Ct.

Ms. Zank suggested Ms. Kashim’s survey was slanted. She feels Festivals are held outside and, therefore, should be safe. Holding Strawberry Festival could be the first step towards a return to normal.

**APPROVAL OF MINUTES**

A motion was made by Council Member Bublitz, seconded by Council Member Thome, to approve the March 8, 2021 Common Council minutes. Motion carried without a negative vote with Council Members Simpson and Burkart excused.

**PRESENTATION**

Library Director Linda Pierschalla presented the 2020 Annual Report for the Cedarburg Public Library. The library was founded in 1911 by the Cedarburg Women’s Club, making this the 109<sup>th</sup>

annual report. The report may be viewed on the Cedarburg Public Library webpage: <https://cedarburglibrary.org>.

**NEW BUSINESS**

**CONSIDER REQUEST FROM NORTH SHORE UNITED SOCCER CLUB FOR A UTILITY EXTENSION TO PWSB FIELDS; AND ACTION THEREON.**

North Shore United Soccer Club is looking to potentially build a small indoor practice facility at their PWSB field location on Washington Avenue and North Cedarburg Road. The land is located in the City of Mequon. Before moving forward with plans for this facility, the City of Cedarburg must be willing to extend utilities to the building. If the extension is approved, North Shore United Soccer Club would be required to work with the City of Mequon to gain approvals for the building. City staff would also work with City of Mequon staff to create an amendment to a previous Intergovernmental Cooperation Agreement, dated February 12, 1986, between the two municipalities. The cost of the utility extension would be paid by North Shore United.

A motion was made by Council Member Bublitz to approve the utility extension to Port Washington State Bank Fields for North Shore United Soccer Club pending all fees paid for by the organization including attorney fees and seconded by Council Member Verhaalen. Council Member Bublitz moved to amend the original motion to include ‘a new intergovernmental agreement with the City of Mequon’ added to the end of the original motion and seconded by Council Member Verhaalen. The motion passed without a negative vote with Council Members Simpson and Burkart excused.

**CONSIDER ORDINANCE 2021-12 AMENDING SIGN ORDINANCE AS RECOMMENDED BY THE PLAN COMMISSION; AND ACTION THEREON.**

At a recent meeting of the Plan Commission, when considering the Zuern Building Products and Design Center signage, it was noted that a change to the Sign Code would be forthcoming to address interior lit signs in the Manufacturing Zoned Districts. A review of records indicated that the City amended the Sign Code in January of 2019 to add appropriate standards for interior lit signs in the Manufacturing Districts but failed to remove the verbiage that states “illumination shall be external only”. This change is reflected in the draft ordinance.

A motion was made by Council Member Thome to approve Ordinance 2021-12 updating Section 15-5 of the Code to allow internally illuminated signs in M1, M2 and M3 zoning districts, and seconded by Council Member Lythjohan. Motion carried without a negative vote with Council Members Simpson and Burkart excused.

**CONSIDER BIDS RECEIVED FOR THE 2021 STREET AND UTILITY CONSTRUCTION CONTRACT; AND ACTION THEREON.**

A total of seven bids were received for the 2021 Street and Utility construction contract. The lowest bid was submitted by Kopplin & Kinas Co. Inc. Kopplin & Kinas is headquartered out of Green Lake and has successfully completed projects in Cedarburg in the past. Their most recent work in Cedarburg was on the 2016 Street & Utility Project.

A motion was made by Council Member Bublitz, and seconded by Council Member Lythjohan, to award the contract for the 2021 Street and Utility Project to Kopplin & Kinas Company for \$926,953.96. Motion carried without a negative vote with Council Members Simpson and Burkart excused.

**REVIEW OF THE 2020 ANNUAL STORM WATER COMPLIANCE REPORT; AND ACTION THEREON.**

Director of Engineering and Public Works Wieser explained that as part of the City's stormwater permit, the City must prepare an annual compliance report for submission to the DNR which documents our stormwater program accomplishments. Director Wieser stated that the DNR requires that the report be reviewed with the governing body. The following list of accomplishments was shared by Director Wieser:

**Annual Accomplishments:**

- Cleaned virtually all 1,700 catch basin sumps as well as six hydrodynamic separators (32 tons of sediment were removed that would have gone into Cedar Creek).
- Issued 59 erosion control permits and one storm water management permit.
- Provided a full display rack of storm water related information brochures at City Hall.
- Maintained and updated a storm water webpage.
- Assisted AECOM Engineering with illicit discharge investigations.
- Swept downtown streets weekly and residential streets biweekly collecting 20 tons of sediment.
- Collected and composted leaves, brush and yard waste.
- Collected and recycled (or burned) used motor oil.
- Installed five new catch basins with two foot sumps which incorporate the "Dump No Waste Drains to Stream" logo on the cast iron curb head.
- Updated storm sewer mapping on GIS.
- Participated in the Sweetwater "Respect Our Waters" program for metropolitan Milwaukee.

A motion was made by Council Member Thome to approve the 2020 Annual Storm Water Compliance Report and seconded by Council Member Bublitz. Motion carried without a negative vote with Council Members Simpson and Burkart excused.

**CONSIDER REQUEST TO OBTAIN A PARCEL BOUNDARY SURVEY FOR THE PROPERTY FRONTAGE JUST SOUTH OF HIGHLAND DRIVE BRIDGE OVER CEDAR CREEK; AND ACTION THEREON.**

The owner of the property at W51 N664 Highland Drive has requested the City maintain the limestone retaining wall running along the south half of the owner's frontage on Highland Drive. The property owner made the original request in March of 2017. This item was brought to the Common Council in June of 2018 and funding of a property survey was rejected. A portion of the wall has now begun to deteriorate. The Public Works and Sewerage Commission directed staff to obtain a survey of the property to determine ownership of the wall abutting the sidewalk. The cost of a boundary survey on the parcel is \$1,450.

Council Member Arnett suggested that landowners would typically have a survey done, then present the evidence to the City.

A discussion ensued regarding which party is responsibility for financing a survey.

The retaining wall was originally constructed without any drain tile. This discussion led to additional questions posed by the Council Members. What is the cost of total replacement? What is the cost of an easement? What would be the cost of removal of the wall? What were the reasons this was not addressed in years past?

A few quotes were obtained in 2018 for various ways to fix this wall. A quote was received for a right-of-way survey for approximately \$800.00. A quote for repair with existing stone came in with an approximate cost of \$3,500. And a quote for constructing a brand-new wall came in at approximately \$50,000. The wall is estimated to be 200 feet long and 5 feet high.

The sidewalk is stamped 'Lifetime Construction Company' with a date of 1938. The building permit for the home at W51 N664 Highland Drive was obtained in 1954.

Council Member Arnett made a motion to deny doing the boundary survey with a request of the owner to complete the boundary survey and to include a request of Public Works to secure the site for safety (i.e. removing debris from roadway and adding proper barriers to protect the public), along with a request of staff to bring costs and options to secure the wall for the long term, and to revisit this agenda item after additional information is brought to the Council for review. The motion was seconded by Council Member Lythjohan and carried without a negative vote with Council Members Simpson and Burkart excused.

#### **UPDATE ON WOOLEN MILLS DAM REPAIRS; DISCUSSION ONLY**

Repairs to Woolen Mills Dam, located north of Bridge Road on Cedar Creek, were originally expected to be completed this year. The City retained Graef Engineering to prepare plans and specifications, however, last fall the DNR informed the City that a dam break failure analysis is needed for the Woolen Mills Dam. Graef received a response from the DNR regarding the hydraulic model to be used for the dam break analysis and was informed that work may now begin. According to the Municipal Dam Grant the City needed to submit plans and specifications for the Woolen Mills Dam repairs to the DNR by April 30, 2021. The DNR has granted a time extension to June 30, 2022 for plan completion, thereby allowing for the analysis to take place.

#### **CONSIDER LICENSE/PERMIT APPLICATIONS; AND ACTION THEREON**

A motion was made by Council Member Verhaalen to approve the Operator License applications for the period ending June 30, 2021 for Mallory Fox, Julie E. McAndrew, Morgan P. Mueller, Jake J. Shanovich and William J. Walker and was seconded by Council Member Thome. Motion carried without a negative vote with Council Members Simpson and Burkart excused.

A motion was made by Council Member Verhaalen to authorize granting of a temporary Class "B" license to Cedarburg Firemen's Park, Inc. for Maxwell Street Days, Firemen's Park, W65 N796 Washington Avenue, for September 5 and October 3, 2021 from 6:00 a.m. to 10:00 p.m. and was seconded by Council Member Bublitz. Motion carried without a negative vote with Council Members Simpson and Burkart excused.

**DISCUSSION ON CITIZEN SURVEY; AND ACTION THEREON**

Administrator Hilvo explained this year's citizens survey will focus on Economic Development, the Fire Department and Diversity. He sought feedback from the Council regarding the survey. The Council was comfortable with the survey.

**CONSIDER PAYMENT OF BILLS DATED 02/27/2021 THROUGH 03/19/2021, TRANSFERS FOR THE PERIOD 03/01/2021 THROUGH 03/26/2021 AND PAYROLL FOR PERIOD 02/21/2021 THROUGH 03/06/2021 AND 03/07/2021 THROUGH 03/20/2021; AND ACTION THEREON**

A motion was made by Council Member Bublitz to pay the bills dated 02/27/2021 through 03/19/2021, transfers for the period 03/01/2021 through 03/26/2021, and payroll for period 02/21/2021 through 03/06/2021 and 03/07/2021 through 03/20/2021 and was seconded by Council Member Thome. Motion carried without a negative vote with Council Members Simpson and Burkart excused.

**ADMINISTRATOR'S REPORT**

The Administrator's Report was included in the Council packet.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** – None

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS** - None

**MAYOR'S REPORT** – None

**ADJOURNMENT - CLOSED SESSION**

A motion was made by Council Member Thome, seconded by Council Member Bublitz, at 8:20 p.m. to adjourn to closed session pursuant to State Statute 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Specifically, to be discussed was the Hwy 60 Business Park Land Offer and the Prochnow Landfill, and pursuant to State Statute 19.85(1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. More specifically discussed was the Prochnow Landfill and a claim involving possible litigation. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Verhaalen, Thome and Lythjohan voting aye and Council Members Simpson and Burkart excused. (5-0)

**RECONVENE TO OPEN SESSION**

Open session reconvened at 9:19 p.m.

**CONSIDER HWY 60 BUSINESS PARK LAND CONTRACT; AND ACTION THEREON**

A motion was made by Council Member Arnett to postpone this agenda item until the April 12 Council Meeting and seconded by Council Member Thome. Motion carried without a negative vote with Council Members Simpson and Burkart excused.

**ADJOURNMENT**

A motion made by Council Member Arnett and seconded by Council Member Bublitz to adjourn the meeting at 9:21 p.m. Motion carried without a negative vote with Council Members Simpson and Burkart excused.

Tracie Sette  
City Clerk